

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	
	:	
Plaintiff,	:	Crim. No. 08-891 (DRD)
	:	
v.	:	
	:	
BARRY SUSSMAN	:	
	:	
Defendant.	:	
	:	

Settlement and Approval of District Court

Pursuant to Federal Rule of Appellate Procedure 10(c) there has been submitted to the District Court for settlement and approval 1) Defendant's reconstruction of the record, 2) Defendant's supplemental statement of the evidence under FRAP 10(c) (including Affidavit of Defendant Barry Sussman, 3) United States objections to Defendant's statement of the evidence under FRAP 10(c).

These submissions constituted an attempt to reconstruct the trial transcript of the cross-examination and redirect testimony of government witness Gregory Ashe and the entire testimony of government witness Doreen Madonia, a Vice President of the Bank of New York.

My recollection of Mr. Ashe's testimony is not detailed. I have reviewed my trial notes of his cross-examination and they contain no inconsistencies with the summary of the cross-examination as set forth in Mr. Goldberger's submission filed November 15, 2011. The government's objections to Mr. Goldberger's account do not appear to be a material correction.

I only have trial notes of the direct examination of Doreen Madonia. They are consistent with Mr. Goldberger's recital of her testimony, supporting a conclusion that his summary is

accurate. I have no notes or recollection of any other testimony of Ms. Madonia.

Except as stated above, neither my notes nor my recollection enable me to comment upon the statements contained in Part B of Defendant's supplemental statement of the evidence under FRAP 10(c).

Subject to the foregoing comments, the Court settles and approves the statements of evidence submitted by the parties.



Dickinson R. DeBevoise
DICKINSON R. DEBEVOISE
U.S.S.D.J.

Dated: February 15, 2012